REMARKS

The Examiner has essentially repeated the previous prior art rejections and made them final.

In the interest of advancing this patent application to issue the pending claims are cancelled without prejudice or disclaimer, and are replaced by new claims 26-49. As there was no net gain in the total number of claims, or in the number of independent claims, no fee is believed to be due. No new matter is presented.

Regarding the rejections based upon art, the previously pending claims 1-2, 4-9, 11-17 and 19-21 were rejected under 35 USC Section 103(a) as being unpatentable over US Patent Publication 2002/011176 to Roeder in view of US Patent Publication 2002/20137530 to Karve, and dependent claims 3, 10 and 18 were rejected under 35 USC Section 103(a) as being unpatentable over Roeder in view of Karve, and further in view of US Patent 5,742,668 to Pepe. Claim 25 was rejected under 35 USC Section 103(a) as being unpatentable over Karve in view of US Patent Publication 2003/0139175 to Kim.

The above rejections are respectfully disagreed with, and are traversed below.

In the Response to Arguments section and in the following rejections the Examiner contends that Roeder discloses all of the features of Applicant's independent claims except for a "short message service message." The Examiner then cites Karve as generally disclosing SMS messaging asserting that it would thus be obvious to combine these references and arrive at Applicant's claimed invention. Applicant respectfully disagrees with the Examiner's analysis for at least the following reasons.

Roeder discloses a system for call forwarding, which includes a telephone subsystem operable to communicate with a telephonic device. The system also includes a wireless subsystem operable to communicate with a mobile station. The mobile station is associated with the telephonic device. The system further includes a packet subsystem coupled to the telephone subsystem and the wireless subsystem. The packet subsystem is operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem. The packet subsystem is also op-

erable to communicate the telephone call to the wireless subsystem for delivery to the mobile station (Abstract).

In paragraph [0029] Roeder refers to Fig. 1 as a block diagram illustrating a system 100 for call forwarding. System 100 includes a wireless subsystem 102, a packet subsystem 104, and a telephone subsystem 106.

In paragraph [0030] cited by the Examiner Roeder discloses that by forwarding telephone calls to mobile station 108 when mobile station 108 registers with system 100 and unforwarding telephone 110 when mobile station 108 deregisters with system 100, system 100 reduces or eliminates the need for a subscriber to manually forward and unforward telephone 110. This also reduces or eliminates the likelihood that the subscriber using mobile station 108 will forget to activate or deactivate the call forwarding feature. In addition, the subscriber using mobile station 108 may be contacted using a single telephone number and/or extension number.

The Examiner then cites paragraphs [0042] and [0060]. These paragraphs disclose only the following:

> [0042] In another embodiment, processor 124 may use a remote call forwarding feature 128 in telephone subsystem 106 to forward calls for telephone 110 to mobile station 108. Remote call forwarding feature 128 may, for example, allow one telephone 110 to activate or deactivate the call forwarding feature 112 for another telephone 110. Using remote call forwarding feature 128, processor 124 may instruct processor 118 to forward calls for telephone 110 to packet subsystem 104, which communicates the call to mobile station.
>
> [0060] In another embodiment, WARP 352 and/or gatekeeper 266 may include a telephone emulator card 274. Card 274 appears to PBX 260 as a telephone 210. In this embodiment, PBX 260 may support a Remote Call Forwarding feature (RCF) 228, which allows call forwarding feature 121 to be activated and deactivated from another telephone 210. Using the telephone emulator card 274, WARP 252 or gatekeeper

> 266 instructs PBX 260 to activate or deactivate call forwarding feature 212 using the remote call forwarding feature 228.

Karve, does not cure the shortcomings of Roeder and thus does not disclose or suggest the subject matter recited in Applicant's independent claims.

Karve was merely cited as disclosing SMS messaging. Paragraphs [0016] and [0023], cited by the Examiner, disclose only:

> [0016] In another embodiment, the present invention provides a communications device that supports Short Message Service (SMS), the device including a database memory for storing at least one predefined forwarding address and a controller connected to the database memory for accessing the at least one predefined forwarding address. A display is connected to the controller for displaying the at least one accessed predefined forwarding address. At least one key is provided for selecting the predefined forwarding address and instructing the controller to forward received short messages to the selected predefined forwarding address.
>
> [0023] The present invention provides a software-implemented feature of a communications device, such as a mobile or cellular telephone that supports SMS, which allows the device to forward received short messages to other devices or addresses.

In the most recent Office Action the Examiner rejected claim 25 based on the combination of Karve and Kim. Paragraph [0018] of Kim, cited by the Examiner, discloses:

> [0018] To achieve the above and other objects, there is provided a system for remotely controlling a mobile terminal in a mobile communication system. The mobile terminal receives a control command through a call link and performs an operation according to the received control command. An Internet service provider including a

remote control emulator transmits a mobile terminal remote control command to the mobile terminal through the call link, upon receipt of the mobile terminal remote control command through a user interface of the remote control emulator. The mobile terminal operates based on an IS-637+ layer structure in which a remote control layer exists on a teleservice layer.

Paragraph [0038] of Kim, cited by the Examiner, discloses:

[0038] Remote control of a mobile terminal according to the present invention is divided into a one-sided type and an interactive type. FIGS. 8A, 8B and 9 show the one-sided remote control, while FIGS. 13 to 16 show the interactive remote control. The remote control of the mobile terminal according to the present invention can be divided into one case where a remote control client terminal (hereinafter, referred to as a "Client_T) is a computer, and another case where the Client_T is a mobile terminal.

Paragraph [0112] of Kim, cited by the Examiner, discloses:

[0112] FIGS. 8A and 8B illustrate an operation implemented by the Client_T in a mobile communication system which, remotely controls a mobile terminal through a SMS call on a one-side basis according to an embodiment of the present invention.

Paragraph [0113] of Kim discloses in part

If the MS remote control web emulator is driven, the ISP 140 requests the user to input a security code in step 813. The security code should be identical to a security code previously set in the mobile terminal 160 by the user. After the security code request, the IPS 140 determines in step 815 whether a security code is input by the user. Upon receipt of a security code, the ISP 140 stores the received security code in step 817, and then performs a remote control operation requested by the

> user. The user will select a key or a menu indicating an intended function displayed on a monitor of the computer 150, using a user interface of the mobile terminal 160.

Paragraph [0119] of Kim discloses in part

> Referring to FIG. 9, the mobile terminal 170 detects user data of the teleservice layer from a received SMS message in step 901, and then detects an RC message by decapsulating the user data in step 903. ....As the result of the analysis, if the user data is an SMS message, the mobile terminal 170 performs a normal SMS user data processing procedure in step 930. However, if the user data is an RC message, the mobile terminal 170 detects a security code from a security code field of the RC message in step 909. Subsequently, in step 911, the mobile terminal 170 compares the security code detected in step 909 with a security code previously set by the user, to determine whether they are identical, i.e., whether the user intended to perform the remote control is an authenticated user.

Paragraph [0128] of Kim, cited by the Examiner, discloses:

> [0128] FIG. 13 is a ladder diagram illustrating a call process method among a mobile terminal operating in the remote control client mode, an SMS center, an MC, a base station and an MSC according to an embodiment of the present invention.

However, it is instructive to note that <u>in Kim the remote control of the mobile terminal is not disclosed as having any ability to initiate a call divert function with any type of call divert facility of a communication network</u>.

For example, as is stated in paragraph [0014]:

> However, the mobile terminal supporting the SMS service becomes useless, when it is missing or not carried by the user. A future mobile

> terminal will store a great amount of important personal information in it. However, the user cannot remotely access the information stored in the mobile terminal. In other words, the user cannot access the information unless he or she carries the mobile terminal. Therefore, there is a demand for a method of remotely controlling the mobile terminal.

Reference can also be made to paragraphs [0138]-[0142] and [0146]-[0150]. The remote control main menu is concerned with Phone Book, Bell/Vibration/Volume, Electronic Diary and Phone Management functions of the phone, where the Phone Management function concerns Power Off, Locking and Emergency Call functions. Clearly, there is no disclosed ability to activate / deactivate a call divert facility of a communication network via the phone to be remotely controlled in Kim.

Claim 26 as now newly presented for examination is drawn to a method that comprises:

> receiving, at a first wireless communication device, a data message through a communication network, the received data message being sent from another communication device;
>
> examining the received data message to detect a presence of a predetermined code and to also determine if the received data message is a valid data message; and
>
> if the received data message is determined to contain the predetermined code and to be valid, **activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network so as to activate the divert facility to divert future calls made to the first wireless communication device at least to the another communication device.**

Clearly, the proposed combination of Roeder and Karve, or Karve and Kim, does not expressly disclose or suggest the claimed subject matter. This is true as well if Pepe is also considered (previously used to reject claims 3, 10 and 18 (claim 3 recited "authentication data")).

The argument made with respect to claim 26 is applicable as well to claim 32, drawn to a non-transitory readable medium, and to the apparatus claimed in claim 38.

In addition, newly added claim 44 is drawn to a method that comprises:

> receiving, at a first wireless communication device, a short message service message through a communication network, the received short message service message being sent from a second wireless communication device and comprising an international mobile subscriber identification of the second wireless communication device;
>
> examining the received short message service message to detect a presence of a predetermined code and to also determine if the received short message service message is a valid data message; and
>
> if the received short message service message is determined to contain the predetermined code and to be valid, **activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network, the data message including the international mobile subscriber identification so as to activate the divert facility to divert future calls made to the first wireless communication device at least to the second wireless communication device**.

Clearly, the proposed combination of Roeder and Karve, or Karve and Kim, does not expressly disclose or suggest the claimed subject matter. This is true as well if Pepe is also considered.

The argument made with respect to claim 44 is applicable as well to the apparatus claimed in claim 47.

Clearly, even if the SMS message forwarding capability of Karve were to be somehow combined with the call forwarding capability of Roeder, which is not admitted is suggested or workable, the resulting combination would still not disclose or suggest at least that if a received data or short message service message "is determined to contain the predetermined code and to be valid, activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network". Further, even if the remote control of mobile terminal menu functions of Kim were to be somehow combined with the SMS message forwarding capability of Karve, which is not admitted is suggested or workable, the resulting combination would still not disclose or suggest at least that if a received data or short message service message "is determined to contain the

predetermined code and to be valid, activating divert set-up program code in the first wireless communication device to send a data message to a divert facility in the communication network".

Further, in that the independent claims are all clearly allowable over the art cited by the Examiner, then all claims that depend from these independent claims are also clearly allowable for at least this one reason alone.

This patent application is believed to be in condition for allowance. Accordingly, and in view of the newly added claims and the arguments advanced above, reconsideration and withdrawal of all rejections is requested. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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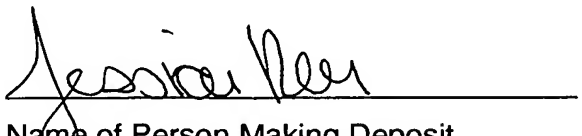

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